



General Assembly

February Session, 2006

***Raised Bill No. 5730***

LCO No. 2670

\*02670\_\_\_\_\_JUD\*

Referred to Committee on Judiciary

Introduced by:  
(JUD)

***AN ACT CONCERNING THE PRESUMPTION OF UNINSURED  
MOTORIST STATUS OF A TORTFEASOR AFTER REASONABLE  
SEARCH BY THE INSURED.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 38a-336 of the general statutes is amended by  
2 adding subsection (h) as follows (*Effective October 1, 2006, and applicable*  
3 *to causes of action accruing on or after said date*):

4 (NEW) (h) (1) There shall be a presumption that a tortfeasor was  
5 uninsured for purposes of a claim if an insured submits to the  
6 insured's automobile liability insurance company (A) a sworn, written  
7 statement that the insured is unable to determine if the tortfeasor was  
8 insured at the time of the accident, and (B) any documentation or  
9 information required under subdivision (2) of this subsection. The  
10 sworn, written statement shall contain: (i) A statement by the insured  
11 or such insured's legal representative that, after reasonable efforts were  
12 made, it could not be determined whether the tortfeasor was insured  
13 at the time of the accident; and (ii) a list of the reasonable efforts made  
14 to determine whether the tortfeasor was insured at the time of the  
15 accident.

16 (2) If, at the time of the accident, the tortfeasor presented an  
17 insurance identification card to the investigating police officer, the  
18 insured or the insured's legal representative shall present  
19 documentation or information from the insurer identified on the  
20 insurance identification card that confirms that the tortfeasor was not  
21 insured by that insurer at the time of the accident.

22 (3) An automobile liability insurance company may rebut such  
23 presumption by providing the insured with written evidence that the  
24 tortfeasor was insured at the time of the accident. Such written  
25 evidence shall include the names of all automobile liability insurance  
26 companies that insured the tortfeasor at the time of the accident, the  
27 applicable policy numbers and the limits of liability under all bodily  
28 injury liability bonds and insurance policies applicable at the time of  
29 the accident.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2006, and applicable to causes of action accruing on or after said date</i>	38a-336

***Statement of Purpose:***

To establish a presumption that a tortfeasor is uninsured when an insured provides certain information to its insurer.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*